

SOLOMON E. GRESEN [SBN: 164783]
JOSEPH M LEVY [SBN: 230467]
LAW OFFICES OF RHEUBAN & GRESEN
15910 VENTURA BOULEVARD, SUITE 1610
ENCINO, CALIFORNIA 91436
TELEPHONE: (818) 815-2727
FACSIMILE: (818) 815-2737

Attorneys for Plaintiff, Steve Karagiosian

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

OMAR RODRIGUEZ; CINDY GUILLEN-
GOMEZ; STEVE KARAGIOSIAN;
ELFEGO RODRIGUEZ; AND JAMAL
CHILDS,

Plaintiffs,

-vs-

BURBANK POLICE DEPARTMENT; CITY
OF BURBANK; AND DOES 1 THROUGH
100, INCLUSIVE.

Defendants.

BURBANK POLICE DEPARTMENT; CITY
OF BURBANK,

Cross-Complainants,

-vs-

OMAR RODRIGUEZ, and Individual,

Cross- Defendant.

CASE NO.: BC 414 602

Assigned to: Hon. Joanne B. O'Donnell, Judge
Dept. 37

Complaint Filed: May 28, 2009

PLAINTIFF'S OPPOSITION TO MOTION TO
QUASH TRIAL SUBPOENAS AND WITNESS
LIST

TRIAL:

DATE: March 19, 2012

TIME: 10:00 a.m.

DEPT: 37

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. STATEMENT OF FACTS**

3 On February 14, 2012, Plaintiff Steve Karagiosian served an amended trial witness list
4 (“Witness List”) on Defendant City of Burbank. The trial was continued and subsequently set to
5 begin on March 19, 2011. On March 20, 2012, the day jury selection began, Defendant served the
6 present motion to quash Plaintiff’s trial subpoenas and Plaintiff’s Witness List.

7
8 **II. DEFENDANT’S MOTION IS UNTIMELY**

9 California Code of Civil Procedure § 1987.1 provides, in part:

10 If a subpoena requires the attendance of a witness . . . at the trial of an issue therein . . . the
11 court, upon motion *reasonably made* by any person described in subdivision (b) . . . may
12 make an order quashing the subpoena entirely, modifying it, or directing compliance with it
13 upon those terms or conditions as the court shall declare, including protective orders.
14 (Code of Civil Procedure § 1987.1, emphasis added.)

15 Defendant was served with Plaintiff’s Witness List on February 14. Defendant waited until
16 March 20, the day jury selection began, to file and serve its motion to quash the trial subpoenas and
17 witness list. Defendant’s motion was therefore not “reasonably made” and should be denied.

18
19 **III. DEFENDANT CAN SHOW NO UNDUE PREJUDICE**

20 Defendant claims that “prejudice to Defendant is manifest.” However, in fact, prejudice to
21 Defendant is nonexistent. The List was served on Defendant on February 14, 2012, more than 30
22 days before the March 19, 2012 actual trial date. Defendant points out that, normally, witness lists
23 are served five days prior to the final status conference, which usually takes place within ten days
24 prior to the trial date. Thus, normally, witness lists are served on opposing counsel less than 15 days
25 prior to the trial date. Thus, Defendant has received more notice than is provided for by the rules.
26 Defendant could not have been unduly prejudiced by receiving more notice than is called for by the
27 rules.

28 Defendant’s argument that it has been unable to conduct discovery to learn what testimony
Plaintiff might seek to elicit from previously unidentified witnesses lacks merit since discovery was

1 already cut off when Plaintiff served and filed its original witness list.

2
3 **IV. DEFENDANT, NOT PLAINTIFF, IS GUILTY OF**
4 **TRIAL BY AMBUSH**

5 Defendant accuses Plaintiff of trial by ambush. However, it is Defendant who was served
6 with Plaintiff's Witness List on February 14 and waited until March 20, the day jury selection began,
7 to serve and file its motion to quash. Defendant is guilty of trial by ambush, and its motion should
8 therefore be denied.

9
10 **VII. THE WITNESSES HAVE PERSONAL KNOWLEDGE**

11 **A. Chief LaChasse**

12 As is set forth in the attached Declaration of Steve Karagiosian, in February 2010,
13 Karagiosian complained via email to Chief Scott LaChasse about an incident that occurred in 2009 in
14 which a detective with the Burbank Police Department said to an Armenian suspect in an interview
15 room something to the effect that, "There are White people in Burbank, and they don't like it when
16 you guys knock on peoples doors and shoot them." Karagiosian had previously complained about
17 the incident in February 2009 but no investigation was conducted. Chief LaChasse then generated an
18 internal affairs investigation. In or about June 2010, Karagiosian was interviewed by Sergeant
19 Misquez of the Burbank Police Department regarding the incident.

20 In January 2012, Chief LaChasse told Karagiosian that improper investigations were
21 conducted by the former administration. He stated that the culture of the Department needs to
22 change, but that it will take time and the policies and procedures need to be updated and employees
23 need to receive proper training.

24 Plaintiff believes that because Chief LaChasse generated an internal affairs investigation into
25 matters which occurred prior to the filing of the Complaint in this action, his testimony is both
26 probative and admissible and not subject to a motion to quash.

27 Karagiosian also sent LaChasse an email dated March 16, 2010, in which Karagiosian
28 complained about recent acts of harassment and stated:

1 “I am still trying to figure out why so many employees of this department hate my culture.
2 I am proud to be a law enforcement Officer and the fact of the matter is that I will never
3 amount to anything in the department due to my complaints. These comments have made me
4 feel like a third class citizen and a third class law enforcement officer.”

5 A copy of the email Karagiosian received back from La Chasse is attached to Karagiosian’s
6 declaration as Exhibit “A.”

7 **B. Captain Cremins**

8 In December 2011, Captain Dennis Cremins informed Karagiosian that the department is not
9 open to hiring minorities. He said this type of racial behavior has become common practice within
10 the department and has infected the employees. He told Karagiosian that he had been given many
11 examples of how the prior administration did not conduct investigations.

12 Plaintiff believes that this testimony is both probative and admissible and not subject to a
13 motion to quash.

14 **C. City Manager Mike Flad**

15 The subject of Mike Flad’s testimony is expected to concern complaints he received from
16 Burbank Police Officer’s Union President, Mike Parrinello. Mr. Parrinello testified that he spoke to
17 Mr. Flad about police department investigations being unfair.

18 - - -

19 11 ... On April 14th I spoke with -- Travis
20 12 Irving and I spoke with the city manager Mike Fladd.

21 13 THE REPORTER: Mike --

22 14 THE WITNESS: Fladd, F-l-a-d-d.

23 15 BY MR. GRESSEN:

24 16 Q. What was said at that meeting?

25 17 A. We discussed some of the same issues, some of
26 18 the same topics. ...

27 (Parrinello, Vol. I, 120:11-18)

28 18. Q. Did you talk to Fladd about the I.A.

1 19 investigations being unfair?

2 20 A. Yes.

3 (Parrinello, Vol.I, 121:18-20.)

4 ---

5 Plaintiff maintains that Mr. Flad was required under Government Code § 12940 (j) and (k) to
6 take reasonable steps to prevent harassment from occurring in the police department. His testimony
7 in this regard is, therefore, both probative and admissible in this action and should not properly be
8 subject to a motion to quash.

9 **D. Other Witnesses**

10 At the present time, Plaintiff is unsure whether the other witnesses identified in the moving
11 papers will be required for trial. Plaintiff respectfully requests leave to prepare and file an additional
12 offer of proof as to those witnesses prior to their being called to testify.

13
14
15 DATED: March 21, 2012

LAW OFFICES OF RHEUBAN & GRESSEN

16
17 By: 

Solomon E. Gresen

18 Attorneys for Plaintiff, Steve Karagiosian
19
20
21
22
23
24
25
26
27
28

1 **DECLARATION OF STEVEN KARAGIOSIAN**

2 I, Steven Karagiosian, declare as follows:

3 1. I am one of the Plaintiff's in this action.

4 2. In February 2010, I complained via email to Chief La Chasse about an incident that
5 occurred in 2009 in which a detective with the Burbank Police Department said to an Armenian
6 suspect in an interview room something to the effect that, "There are White people in Burbank, and
7 they don't like it when you guys knock on peoples doors and shoot them." I had previously
8 complained about the incident in February 2009 but no investigation was conducted. Chief La
9 Chasse then generated an internal affairs investigation. In or about June 2010, I was interviewed by
10 Sergeant Misquez of the Burbank Police Department regarding the incident.

11 3. I also sent LaChasse an email dated March 16, 2010, in which I complained about recent
12 acts of harassment and stated:

13 "I am still trying to figure out why so many employees of this department hate my culture.
14 I am proud to be a law enforcement Officer and the fact of the matter is that I will never
15 amount to anything in the department due to my complaints. These comments have made me
16 feel like a third class citizen and a third class law enforcement officer."

17 A copy of the email I received back from La Chasse is attached hereto as Exhibit "A" and
18 incorporated herein by reference.

19 4. In December 2011, Captain Dennis Cremins informed me that the department is not open
20 to hiring minorities. He said this type of racial behavior has become common practice within the
21 department and has infected the employees. He told me he had been given many examples of how
22 the prior administration did not conduct investigations.

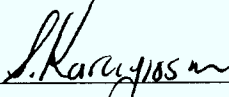
23 5. In January 2012, Chief Scott LaChasse told me that improper investigations were
24 conducted by the former administration. He stated that the culture of the Department needs to
25 change, but that it will take time and the policies and procedures need to be updated and employees
26 need to receive proper training.

27 6. I have been personally introduced to Burbank City Manager Michael Flad and he has
28 greeted me several times while passing at the Burbank Police Station. I was also personally

1 introduced to him at multiple police department events. Former Police Chief Tim Stehr also
2 introduced me to Flad when Stehr was conducting a "ride along" with Flad.

3 I declare under penalty of perjury under the laws of the State of California that the above is
4 true and correct of my own personal knowledge and, if called upon to testify, I could and would
5 competently testify thereto.

6 Executed this 21st day of March, 2012, in Encino, California.

7
8 

9 Steve Karagiosian
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

EXHIBIT A

RE: Racial Discrimination and Hostile Work Environment

LaChasse, Scott

Sent: Wednesday, March 17, 2010 3:39 PM**To:** Karagiosian, Steve

I am in receipt of 3-16-10 e-mail. We have notified the LASD of the involvement of their personnel and are conducting our own administrative investigation.

From: Karagiosian, Steve**Sent:** Tuesday, March 16, 2010 12:47 PM**To:** LaChasse, Scott**Cc:** Wilke, Judie**Subject:** Racial Discrimination and Hostile Work Environment

On March 9, 2010, at 0830 hours, I (Officer Karagiosian) attended an eight house Cop Links training class. The class took place in the mid-level training room and was taught by a Los Angeles County Sheriff's Sergeant and a Los Angeles County Sheriff's Deputy. Present in the class were, acting Captain Lt. Dermenjian, Detective Munoz, Detective Schiffner, Detective Eirich, Officer Faggiano, Officer Cornils, Officer Turner, Michele Larson and a Los Angeles County Sheriff's Deputy.

Towards the beginning of the class, The LASD Sergeant addressed the class and made reference to having an access card for the building. He said the access card was to be used for two days and returned back to the Burbank P.D. During his statement about the access card, the Sergeant stated that he now has access to the building and is going to return to the department in the middle of the night and "plant" evidence regarding the current law suit. His comments were not funny; however, made several of the class members smile. They were smiling because the comments were inappropriate and they could not believe that this comment was made. Most of the individuals in the class were looking around at each other with a shocked looked on their faces. This made me feel extremely uncomfortable and elevated the level of my ongoing stress. At this point, I expected Acting Caption Lt. Dermenjian to respond to the comments; however, he did not.

Several hours into the class, the LASD Deputy interpreted the class being taught by the Sergeant and told the Sergeant that he was being very conservative today. The Deputy said that the Sergeant had not said anything out of line yet. The deputy stated, "I thought you would say, how many Armenians does it take to screw on light bulb." I was shocked and embarrassed by the comments made by the Deputy. I looked around the classroom and observed that all of the individuals in the class had their heads down and were also shocked by this comment. I immediately looked over at Acting Captain Lt. Dermenjian because I thought he was going to react to the comments made by the Deputy. As I looked at him, Detective Munoz softly slammed his hands on the desk, looked at me and stated, "They just can't let this shit go can they." For approximately one minute after the Deputy's comment, you could hear a pin drop inside the class room. What I was extremely shocked about was that an Acting Captain allowed this to occur and then did not immediately say anything to address to problem.

The Burbank P.D. and all police departments in the country have a paramilitary structure. In

this situation, the Acting Captain Lt. Dermenjian was our leader. The comments made by the Deputy were so embarrassing and inappropriate that immediate action should have been taken by Acting Captain Lt. Dermenjian.

As an Officer of this department and being an Armenian, I was never asked about the incident, however; I was confronted by several employees of the department regarding the incident. These employees consisted of Officers and civilians who were not present in the class. I also had a brief conversation with Michele Larson who told me that she was surprised and shocked by the Deputy's comments. What was also shocking is that the same individuals were allowed to come back the following day and teach another group of B.P.D. Officers. Once again, raced based comments are allowed to occur and are not dealt with swiftly and sternly. I have complained numerous times about inappropriate raced based comments made at the work place. I am deeply disturbed that raced based comments continue to occur in the midst of the most challenging times in the Burbank Police Department.

As I am writing this letter, I am writing it in anger. I am still trying to figure out why so many employees of this department hate my culture. I'm proud to be a law enforcement Officer and the fact of the matter is that I will never amount to anything in the department due to my complaints. These comments have made me feel like a third class citizen and a third class law enforcement officer.

Respectfully Submitted,

Officer Steve Karagiosian